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- ART. I.—1. *Rapport adressé à M. le Garde des Sceaux, HÉBERT, par M. le Procureur du Roi, BOUCLY ; suivi du Procès intenté par M. LIBRI contre le Gérant du Moniteur Universel à l'Occasion de la Publication de ce Rapport et contre le Gérant du National en Raison d'un Article inséré dans le N° du 5 Avril, 1848.* Paris : Pancoucke, Rue des Poitevins, 14. 1850. 8vo. pp. 14.
2. *Réponse de M. LIBRI au Rapport de M. BOUCLY, publié dans le Moniteur Universel du 19 Mars, 1848.* Paris : chez tous les Libraires. 1848. 8vo. pp. 115.
3. *Lettres à M. HATTON, Juge d'Instruction au sujet de l'Incroyable Accusation intentée contre M. LIBRI, contenant de Curieux Détails sur toute cette Affaire ; par M. PAUL LACROIX, (Bibliophile Jacob,) Membre de la Commission des Monumens Historiques et du Comité des Documens Inédits de l'Histoire de France.* Paris : Paulin, Rue Richelieu, 68. 1849. 8vo. pp. 64.
4. *Lettre à M. PAUL LACROIX, (Bibliophile Jacob,) contenant un Curieux Épisode de l'Histoire des Bibliothèques Publiques, avec quelques Faits Nouveaux relatifs à M. LIBRI et à l'Odieuse Persécution dont il est l'Objet ; par ACHILLE JUBINAL, Ex-Professeur à la Faculté des Lettres de Montpellier.* Paris. 1849. 8vo., pp. 14.
5. *De la Nécessité de commencer, achever, et publier le Cata-*
- VOL. LXXVI.—NO. 159.

*logue Général des Livres Imprimés. Par M. PAULIN PARIS.*  
Paris. 1847. 8vo. pp. 63.

THE history of the progress of polite learning, after its revival from the death-like trance in which it had been wrapped for so many ages, differs but little, perhaps, from that of the growth of many natural objects. While its youth was marked by but few incidents, maturity has brought the usual train of parasitical excrescences that ever attend success and continued triumph. If there be any truth in the old prediction, that the thirtieth century will find the world enveloped in a darkness more profound than that from which it was just emerging when the first book from the press of Guttenberg and Faust was issued, the career of letters may well be likened to that of the oak tree, to which three centuries are assigned to grow, as many to flourish, and three more in which to decline and gradually moulder away; so that, when a thousand years have come and gone,

“The oak, that in summer was sweet to hear,  
And rustled its leaves in the fall of the year,  
And whistled and roared in the winter alone,  
Is gone, — and the birch in its stead has grown.”

In the days of its youth, when all its nutriment was needed to cherish its lusty growth, no ivy clung to its sides, no mistletoe-bough waved from its wide-spreading branches; but no sooner has its progress ceased, and it lifts on high its gigantic head, the stately monarch of the forest, than these parasites begin to batten on its vital juices, and to increase upon riches not their own.

And so it has been with the progress of literature. For very many years after the invention of printing, it was enough if a taste for learning was diffused over the length and breadth of the civilized world. Mankind had other employments than to devote their days and hours to the collection of volumes which they would not, or could not, read. There was too much of action in the life of those days for the indulgence of such habitudes; and the formation of libraries was confined entirely to the ranks of the learned. Besides, when there was but a single edition of a work, there could be no controversy

about the *editio princeps*, or the *editio optima*. But the spirit of that most fascinating of all artificial tastes — Bibliomania — is founded upon an everlasting passion of the human heart; and it waited but the hour when peace and prosperity should have sufficiently spread their influence, to develop itself in all its glory, and to establish a permanent position among the national refinements of all Christendom.

Had we time to dwell on the subject, we might trace this madness of book-collecting to a very remote date, and give it a pedigree almost as respectable as that of the Gascon gentleman, who, claiming descent from an “original inhabitant” of the Garden of Eden, looked down in secret scorn upon the large body of mankind who come from “that *parvenu*, Adam.” History, from age to age, gives us casual glimpses of the libraries of days gone by, from the countless tomes of the Ptolemies down to those few choice volumes, valued at more than a king’s ransom, which the royal care of the great Alfred gathered together on the soil of Britain. The phrase, attributed to Julian, well expresses the feeling of a genuine collector: — “*Alii quidem equos amant, alii aves, alii feras; mihi vero a puerulo mirandum acquirendi et possidendi libros insedit desiderium.*” And we are all familiar with Chaucer’s description of a *bibliophile* of his own days, who

“ Would rather have at his bed-head  
A twenty books, y-clothed in black or red,  
Of Aristotle and his philosophy,  
Than robes rich, rebeck, or psaltery.”

It was not, however, until the habit of collecting books and forming libraries had become well established, and, so to speak, *fashionable*, that the extreme refinements of bibliography came into vogue. Perhaps the birth of the new “science,” (as it is fondly styled by its votaries,) in Great Britain, may be dated from the earlier part of the last century, when Mead, Harley, Sir Hans Sloane, and others, laid the foundations of collections that have since become of national importance. It is to the last named, for instance, that we owe the origin of the British Museum. Foremost among them was the celebrated Dr. Askew, who in reality was the first man, as far as we know, that collected upon the received principles of the present day. His

immense library was rich to excess in copies, printed on vellum and on large paper, of the rarest editions, particularly of the Classics; and long after his death, an *exemplar Askevianum* was sure to bring its full price in the market. We believe his Aldine Plato, (*editio princeps* of 1513, in two volumes folio,) printed on the purest vellum, is still regarded as one of the choicest books in the world. The sale of his library (*apud S. Baker et G. Leigh, in vico dicto York-street, Covent Garden, Februar, 1775*;) occupied twenty days, and it brought what was then considered a high price; one of the highest, we believe, being that paid for the *Tezeide* of Boccacio, (Ferar. 1475,) which sold for eighty-five pounds. Many amusing anecdotes are still told of Askew's singularities. So chary was he of his dearly-beloved volumes, that he would suffer no hand but his own to unlock the cases in which they were kept. Perched upon the ladder, he would thus exhibit some unique volume to the envious eyes of a less fortunate brother, who might indeed read it in that position, but could never hope to hold it in his own hands.

In the formation, indeed, of so many choice libraries, a discrimination in the selection of the best and rarest editions was at once a natural result; and the consequence is obvious. From the contentions of two rival amateurs arose, ostensibly, the most celebrated collection of its day in England. When Harley, Earl of Oxford, was forming his famous library, a hundred and fifty years ago, a bookseller brought to him one morning a book of undoubted rarity, the *Decameron* of Boccacio, printed at Venice, by Christofer Valdarfar, in 1475, being the first edition printed with a date. For this volume, then, and so late as 1807, (see Beloe, *Anec. Lit.*, II. 234,) erroneously supposed to be unique, he demanded the modest little sum of 100 guineas! Lord Oxford, like Mrs. Centlivre's "philosophical girl," was doubtless willing to accede to any demand "dictated by good sense and comprehended within the bounds of elocution;" but he did not look upon the price demanded in that light, and flatly refused to pay it. The dealer then offered it to Lord Sunderland, Harley's rival collector, and with as little success. Accident, however, threw him in the way of a young Lord Roxburghe, who had just succeeded to his title and to

an ample estate that had been long at nurse, and who, caring probably as little for this edition of Boccaccio as for an old almanac, purchased it without a moment's hesitation, for the mere gratification, perhaps, of buying what was beyond the reach of the distinguished Lord Oxford and Mortimer. Having thus laid out his hundred guineas, he hastened to invite Oxford and Sunderland to dine with him, and their conversation naturally turning on the unique volume they had seen that morning, and which each hoped to buy at a cheaper rate, their host quietly pointed out to them the identical book upon his window-sill; — "*ce qui fut*," says honest Brunet, "*pour ces bibliomanes parcimonieux un véritable crève-cœur*." This is said to have been the beginning of that princely collection, which, on the death of the last Duke of Roxburghe, was brought, in 1812, to the hammer. A few years before, Beloe had predicted that, if ever this volume occurred on sale, it would bring at least £500. Two other copies were subsequently discovered, both imperfect; one in the Ambrosian Library, wanting one leaf, and one in the Bibliothèque Royale, wanting three. But the Roxburghe copy, which was in perfect order, far outran even the anticipations of its reverend historian, being finally knocked down to the Marquis of Blandford (since Duke of Marlborough) at £2260, or rather more than ten thousand dollars! His unsuccessful opponent was Earl Spenser, who, however, lost nothing by waiting, since, in June, 1819, he bought this identical copy at the Marlborough sale for only £918 15s.; "*ce qu'est encore un prix fort honnête*," as Monsieur Brunet again naively observes.

From the number of distinguished amateurs who met in London on the occasion of the Roxburghe sale, was formed the well-known Roxburghe Club, an election to which was so highly prized by Sir Walter Scott, and which undoubtedly has suggested the host of printing clubs that have arisen in later years — the Bannatyne — the Maitland — the Camden — the Skakspeare — the Percy — the Hakluyt — and a score more of like learned associations for the preservation of such rare information as stands in likelihood of loss or destruction by reason of its being in a unique copy. Certainly, what-

ever opinion a philosopher may entertain of Bibliomania in the abstract, no one will deny that, in many of its results, it has been practically of the first service to the cause of letters.

To define in what this science consists, is a task that might well puzzle a more erudite lexicographer than old Scaliger himself. One favored votary, however, (himself no undistinguished son of the Muses,) paints, with the licensed freedom of a successful lover, the various charms which cause the bare sight of

“The small dark volume, rich with tarnished gold,”

bearing the mystic colophon of a Caxton, a Pynson, or a Wynken de Worde, to make the heart leap for joy and the purse-strings relax, till the precious tome — *rarus, rarissimus, or unique* —

“Is cheaply purchased at its weight in gold.”

“Here were editions esteemed as being the first, and there stood those scarcely less regarded as being the last and best; here was a book valued because it had the author's final improvements, and there another which (strange to tell) was in request because it had them not. One was precious because it was a folio, another because it was a duodecimo; some, because they were tall, some because they were short; the merit of this lay in the title-page, of that, in the arrangement of the letters in the word *Finis*. There was, it seemed, no peculiar distinction, however trifling or minute, which might not give value to a volume, provided the indispensable quality of scarcity or rare occurrence was attached to it.”

In the conclusion of the last paragraph lies doubtless the root of the whole matter.

Of the extremities to which collectors are often carried in their zeal to procure the volume “*rarissimus*” of Brunet or Lowndes, there are examples innumerable. Witness the charming little tale of Charles Nodier, the most tasteful of amateurs, the most graceful of modern French writers; witness the *furor* with which Mr. Jonathan Oldbuck descants upon the story of Caxton's Book of the Chess, (1474) — the first book printed in England; — how “Snuffy Davy” bought it at a stall in Holland for twopence; how it came to Dr. Askew's hands, at sixty guineas; and how, at *his* sale, “this inestimable treasure blazed forth in its full value, and was

purchased by Royalty itself, for one hundred and seventy pounds!" Witness the price paid by an American gentleman at Leigh's auction rooms, (London, March 15th, 1847,) for a Mazarine Bible, namely, five hundred pounds sterling, or about twenty-five hundred dollars; while three hundred pounds were freely given at the same time for Tully's Offices, 1465, on vellum. Or, — what is more directly german to the subject to which we had originally designed devoting this paper, — witness the facts elicited by the prosecution, at Paris, of the late Monsieur Libri, on the charge of stealing books, a prosecution which has excited the deepest interest in all the literary circles of Europe; and which, partaking, in the language of the London Examiner, in about equal degrees of the character of the Lion's Mouth at Venice and of the Inquisition at Madrid, not only affords the observer a certain amount of curious bibliographical information, but will probably give rise in his mind to some odd speculations on the beauties of French courts of justice. From some two or three dozen separate publications, containing about two thousand octavo pages, we have gleaned most of the following facts.

There is a very considerable difference, not only between the principles which govern the collection of books in England and in France, but also in the character of the collectors. In the one country, it is a taste that is, in general, not much indulged but by gentlemen of hereditary fortunes, whose position in society is assured, and whose hobby it is to lay out forty or fifty thousand pounds upon a library. In France, on the contrary, (though, of course, there are numerous exceptions to these rules on either side of the Straits of Dover,) the principal collectors are men of letters, whose income is derived from no fixed capital, and to whom, therefore, the practice of selling off from time to time so much of their libraries as may be convenient or necessary is not discreditable. Again, there are refinements in French collections that are not yet entirely in vogue in England. The distinction between a plain copy of a rare edition, on ordinary paper, with fair margins and modestly bound, and another, fresh and clean, as when it first left the press, on Holland paper or on vellum, spotless and uncut, and sumptuously bound in the most expensive style, is



much less marked in the former country than in the latter. In France, the process of *renovating* books is carried to an extreme. Two or three imperfect copies, for instance, of the same edition will be brought together; taking a part from this and a part from that, a complete set of the most perfect leaves will be formed. Then it passes under the hands of a person whose business it is, by means of washing it with certain preparations, by careful erasures, by sizing, and by a thousand other modes, to cleanse each page from every stain or blot that it has received. Should a part of a leaf be gone, he finds paper precisely similar to that on which the pages are printed, (in a case of the last necessity, taking a fly-leaf from the book itself,) and prints the missing portion in type of the same character; and joins the whole together so artfully that the most practised eye is often deceived. By this process, (which by Boide is called *biblioguiancie*, but which is now known, according to the nomenclature of Boissonnade, as *la biblialetrique*) perfect copies of the rarest works are constantly produced; and our readers may judge of the skill with which it is performed, when we assure them that 1000 francs are not unfrequently paid for such a restoration of a single volume. MM. Gagnat, Girardot de Prefond, Lavallière, etc., are well known for the large sums they have so expended; and most collectors will always have at hand a portfolio of odd leaves of costly books, which are preserved in the hope of some day picking up other fragments, so as to complete the volume. From the hands of the restorer, they go to those of the binder; and here, again, is a field for the indulgence of taste and expense. Hundreds of dollars may be spent in giving to an octavo or quarto its costly garb of morocco and gold; so that, by the time a foreign collector has filled a single shelf, he may easily have expended an American income. It is true, that, in these last two arts, France has the decided advantage over the rest of the world. Highly as we rate the abilities of the English binders, — of Riviere, of Hayday, of Mackenzie, or of Clarke and Bedford, — we must confess that we have never seen binding of a living workman equal to that of Bauzonnet; and whoso desires specimens of his best workmanship may well count over his golden eagles very carefully,

ere he sends them on such a flight. But of all the Parisian amateurs there was none, five years ago, whose collection was in any respect more elegant than that of M. Guillaume Libri, Member of the Institute, Professor in the College of France, and Chevalier of the Legion of Honor ;—consisting of some thirty-two thousand volumes of printed books and MSS.

In 1847, finding his library too large for his space, and too costly for his means, M. Libri determined, according to a custom very common and perfectly respectable in France, to sell a portion of it at public auction. His MSS. he had already disposed of for £8000 to Lord Ashburnham, after having vainly endeavored to induce the Bibliothèque Royale to accept of *all* of his books and MSS. as a present, on the simple condition of keeping them together in one room. Such a plan would have interfered with the habit of that institution of classing every thing according to its subject-matter, and it felt itself rich enough to refuse the proffered gift. Accordingly, from the 26th of June to the 4th of August, 1847, so much of Libri's collection as related to Belles-Lettres, amounting to 3025 separate articles, was sold to a throng of bidders from all parts of Europe and America. We cannot say that the sum total of the sale was very large, considering that many of the works were of the most exquisite rarity and sumptuously bound, and that it was notorious that 12,000 francs would not cover the cost of *restoration* (independent of first cost and binding) of certain of the volumes ;—the full proceeds were about 116,000 francs. It was under the head of Italian Belles-Lettres that the collection was especially rich, containing some 2500 articles, or nearly 1000 more than had ever appeared before in one collection ;—that of Morelli, sold in London about fifty years previously, numbering but about 1600. The *Catholicon* of 1460, printed by Guttenberg, brought 1505 francs ; an Aldine Theocritus of 1495, entirely uncut, and to all appearance just as it came from the press, 635 francs ;—a sad falling off from Caillard's sale, when a Homer (edition of Florence, 1488) brought 3601 francs, mainly on account of its being in the same good condition. A Musæus of 1494, the first volume printed by Aldus, and bound by Bauzonnet, brought but 395 francs ; being one hundred and fifty less than

it had last sold for. An Aldine Martial, of 1501, on vellum, brought 700 francs; Sannazarius *De Partu Virginis*, (Naples, 1526,) on vellum, 1102 francs, or double what a copy sold for at the Brienne sale, owing to the superior condition of this one; while the Aldine edition of 1537 of the same work, though it bore the beautiful binding of Grolier and the celebrated inscription, *Io. Grolierii et amicorum*, (I belong to John Grolier and his friends,) brought but 300. Dante's *Inferno*, (Venice, circa 1500,) on vellum, sold for 1100 francs; and the *Orlando Furioso*, (Milan, 1524, uncut, and bound by Bauzonnet,) for 1480. There exist but two other copies of this edition, (one of which brought thirty-five pounds at Hibbert's sale,) which is chiefly curious as showing Ariosto's improvements upon the poem from the first edition of 1516, in forty cantos, to that of 1532, (in which form we now have it,) in forty-six. A unique copy of another edition, likewise bound by Bauzonnet, printed in black and red in 1530, brought 1530 francs. The poems of Giustiniana, (Venice, circa 1471,) supposed to be the first book printed in Italy, sold for but ninety-seven francs; while a copy of Gasparianus, (Paris, circa 1470,) the first book printed in France, brought 520. Two prodigiously rare Italian novels ("*Novella travagliata d'Amore composta in ottava rima, per Amadore Grilli, pistolese, Lucca, 1550*," bound by Duru, and "*L'infelice Amore de i due fedelissimi amanti Giulia e Romeo, scritto in ottava rima da Clitia, Venise, 1553*," bound by Bauzonnet,) from which Shakspeare is supposed to have taken the Merchant of Venice and Romeo and Juliet, brought respectively but thirty and ninety francs. A Decameron, (circa 1483,) sold for 1600 francs, about half its cost at the Borromeo sale; a Cortegiano of Castiglione, on large paper, with the usual indications of its former possessor, Grolier, 519 francs; and a unique copy of Bembo, (Rome, 1548,) on vellum, 1105 francs. The gem of the sale was, however, a book on which, as it cannot be uninteresting to any student of American History, we will dwell at some length. Its full inscription runs thus: "*La lettera (in ottava rima) dellisole che ha trovato nuovamente il re dispagna. — Finita la storia della invention delle nuove isole dicannaria indiane tracte duna pistola di Cristofano Colombo et per . . . Giuliano Dati tradotta . . . a di 26 doctobre, 1493. Florentie.*"

This little poetical tract, of four small quarto leaves, richly bound in blue morocco by Bauzonnet, was sold for 1700 francs, and is the only copy in existence. In the enthusiastic account of it by Brunet, in the *Manuel du Libraire*, there is an error (of the press, we presume,) dating it as of 1495, instead of 1493. It is simply a translation of the first letter of Columbus, written in Latin, announcing his discovery of the New World. The translator gives it in the form of Italian verse, and it was probably designed to be sung by the peasantry and the lower orders through the streets, as was the custom in those days, when every grave event — the death of a king, the conflagration of a great town, the vision of a comet, “with fear of change perplexing nations” — furnished matter for these rhymed bulletins. We need hardly remind our readers of the Sicilian Vespers, or cite those verses with which all the peninsula was familiar during the thirteenth century : —

“Deh come egli è gran pietade  
Delle donne di Messina  
Veggiendole iscapigliate  
Portando pietre, e calcina.”

A singular but attractive wood-cut, that is placed in the commencement of this tract, is nothing but a reproduction of that which is found in the Latin letter. Altogether, it is perhaps the rarest and most interesting curiosity in the annals of American bibliography.

It may well be supposed that such an event as this sale excited no little remark in the city where it occurred, and of which its founder was one of the most distinguished inhabitants. Let us glance for a moment at his previous history. M. Libri was an Italian, a native of Tuscany. Educated at the University of Pisa, he was in his earliest days distinguished not less for his love for rare books, and the skill with which he had accumulated a most valuable collection, than by his standing as a scholar. At the age of sixteen, he had published a treatise on mathematics, which commanded the praise not only of his own countrymen, but of the *savans* of France. At twenty, he was appointed mathematical professor in his University, where there was hardly a student who was younger than himself. A year later, his health gave way

under the effect of his unremitting application, and he was compelled to resign his charge ; not, however, without the Grand Duke honoring him with the title and emoluments (such as they were) of *emeritus* professor for the rest of his life. He visited Paris, where he was received in society with great distinction, and where Fourier, in the Academy of Sciences, passed the warmest eulogiums on two papers of his, published in the *Recueil des Savans Étrangers*.

When the three days of July in Paris set the whole of Italy in a ferment, Libri espoused warmly the patriotic cause. The liberal party were in undisturbed possession of Modena, and nothing was to be heard but the dreadful note of preparation for wiping out the Austrian Empire from the face of Europe. But while the whole town was frantic to be registered in the National Guard, no drilling, no manœuvring could take place. Not even the common care to procure a supply of muskets and cartridges could be thought of, till the vital question, whether the troops should wear feathers or pompons in their hats, was decided. On this point, the whole population was divided, after the fashion of the big-endians and the little-endians of Gulliver. True, pompons were the most soldier-like ; but then a plume was so free and wavy. Libri was one of those who thought these not exactly the best kind of warlike preparations to repel any nation, except, perhaps, the Chinese ; and, consequently, he was voted a traitor both by the rebels of Tuscany and their Austrian lords.

On the downfall of the liberal party, Libri, (but this time in the quality of a refugee,) again sought the soil of France. He was warmly received, became naturalized in 1833, and about the same time was elected into the Institute by thirty-seven out of fifty-three votes — an unusually large majority. Soon after, he was appointed by the government a mathematical professor in the College of France, in which capacity he became an editor of (or rather a constant contributor to) the *Journal des Débats*. It seems a little strange to our ears, this jumbling together of offices ; but in France, we apprehend, such an appointment is expected to be attended with a warm advocacy of the party in power ; and the most powerful defences of M. Guizot in the *Journal des Débats* and the *Revue des deux Mondes* were from the pen of M. Libri.

The story of the downfall of the *régime* of July is a twice-told tale. Despite the assistance of one of the ablest ministers that the world has ever seen, the government of the King of the Barricades was daily losing popularity, and the hour was at hand when all who shared its shelter should perish in its fall; and Libri, one of the most conspicuous of Guizot's advocates, came in for a full share of the obloquy so freely bestowed upon his chief. Whichever way he turned, he seemed to make enemies. As a politician, he had all the hosts of the Legitimists, the Bonapartists, and the hydra-headed Republican party to contend with. Clever with the pen, he had always the dangerous knack of turning the laugh on his adversaries. Mankind will sometimes forgive the murderers of their fathers, the plunderers of their fortunes, or the destroyers of their domestic peace; but they will never pardon him who makes them the butt of the town. Nor were these the only enemies Libri had to encounter. Among his scientific brethren, he had made a phalanx of foes. For instance, there was once in the Institute a sort of mental epidemic on the subject of well-attested showers of frogs. Session after session, members rose and debated gravely on the why and the wherefore of divers frog falls, which had been communicated from certain most trustworthy sources, to certain other most respectable correspondents of the speakers; but all of which, most unfortunately, came, at nearest, at third or fourth hand. Libri put a period to all this, by solemnly presenting to the assembly, one night, an exceedingly well-attested shower of oxen! One heard, to be sure, no more of the frogs; but there were not a few of his associates who never forgave him the ridicule which this occurrence gave rise to. With the Jesuits, too, he was soon at daggers drawn; and with the political refugees in Paris, and their allies, the ultra republicans, he was on no better terms. It seems that, for some time, mindful of his own misfortunes, he was a generous and a true friend to those whom political offences had exiled from their native land. But a slight occurrence produced a difficulty between himself and their head men, which time only served to make more wide and more deep. A certain Romagnol had drawn largely on his sympathies, on the score of the persecution he had

endured for the slightest provocation. He had been compelled to fly from his house and his country, to save his neck, and all for an act which was, at most, worthy but of a magisterial rebuke or a light fine. "*Ho ammazat' un' gatt*," said this worthy; — "I had killed a cat."

"The very head and front of his offending  
Had that extent, no more."

Libri thought that the cat, at the outside, was but the cat of a cardinal, or of some great man's mistress, and naturally expended a proper quantity of wholesome indignation upon the heads of the tyrants. But when he discovered that, in Romagna, the fashion of the liberal party was to style every one in the service of the government a *cat*, and that the particular cat in question was a poor devil of a *gendarme*, who had been shot through the back, from behind a hedge, by this friend of his country, he took another view of the matter. According to his notions, Italian liberty was a very fine thing, but assassination was not precisely the step which he would recommend to be employed to advance its consummation. Others found his ideas illiberal and narrow-minded; and Libri was soon on no better footing with the refugees of Paris, than with their friends the Red Republicans. Of these last named gentry, M. Arago was the warm leader in the Deputies; and, as a matter of course, when he and Libri met in the Institute, it was but to fight out their political differences, and to nourish for each other precisely that sort of feeling which has lately made every attempt at a change of government at Paris a scene of persecution and of blood.

In 1846, the attention of the police was first drawn towards M. Libri by several anonymous letters, addressed to the *préfet* at Paris. A secret investigation was commenced, which, in January, 1848, reaching his ears, caused him to demand redress for the stigma, as he asserted it to be, upon his reputation. The result was a report from the Minister of Justice to the President of the Council of Ministers. Had Louis Philippe remained upon the throne, the whole affair would doubtless have terminated entirely to Libri's satisfaction. But, on the flight of M. Guizot, this document fell into the hands of the party in power, at the head of which was Libri's old antago-

nist, Arago; it was not long before its effects were made manifest. A note, put into Libri's hands, in the Institute, on the 28th of February, 1848, determined him to follow the example of his political chief. Here is as much of it as has been preserved.

*"Epargnez au peuple Français un de ces actes de vindicte populaire qui répugnent au caractère de notre nation. Ne venez plus à l'Institut; disparaissez!"*

"Spare the French people one of those acts of popular vengeance which are repugnant to the character of our nation. Come no more to the Institute! Disappear!"

In the month of February, 1848, such a warning as this was not to be despised. M. Libri took the hint; he *did* disappear. That is to say, he went forthwith to London; which, we suppose, was considered a sufficient disappearance by all concerned.

The report in question had strongly intimated that Libri had supplied his shelves by a system of petty larceny; and on the faith of it, a prosecution was at once instituted against him, which, to say the least of it, was conducted with a degree of vindictiveness such as seldom pollutes an Anglo-Saxon court of justice; and, after enduring several years, it was concluded by his condemnation, *par contumace*, to ten years' imprisonment (which includes hard labor *ad libitum*, etc.), a fine of some 10,000 francs, and the total abrogation of all his civil rights. As he refused to appear, all the charges against him were, we suppose, taken *pro confesso*. It is certainly not our custom to proceed to conviction on a criminal charge, against a person whose body has never been in the custody of the court. But they manage these things better, we suppose, in France.

We have before remarked, that this trial possesses an unusual interest, both because of the number of bibliographical facts that are interwoven with its course, and on account of the clearly defined position in which it places some of the peculiarities of the French system of criminal jurisprudence. With us, the preliminary proceedings in a criminal case being entirely of an *ex parte* character, the prisoner, while on his examination before the committing magistrate, or while the



charge is before the grand jury, being forbidden to offer the slightest rebutting evidence, the records of these proceedings are mainly considered inadmissible against him on the trial. To such an extent, as we are told, does the common law carry this principle, that the notes of what a witness swore to on the preliminary examination, (though he is the only witness in the case, and he dies before the day of trial,) taken down at the time by the committing magistrate, cannot be received against the prisoner. And the reasons for this are too obvious to be recapitulated here. In France, just the contrary rule prevails. The *procès verbal* is a long, rambling instrument, filled with disconnected and often irrelevant facts, vague surmises, and every thing, said by anybody, in court and out of it, that has the slightest relation to the matter in hand. This is the official protocol, to be read by the government on the trial, differing widely in its nature from our indictment, (the place of which it seems to occupy,) but infinitely more dangerous to the accused, and, of course, greatly complicating the issue to be decided. Like the man in the play who was charged with committing false report, the astonished prisoner will find himself presently accused of as flat burglary as ever was committed, of perjury, and of being an arrant knave. To some of these statements, in M. Libri's case, we propose for a moment to advert.

He is therein charged with having stolen certain books, manuscripts, and autographs, from various public libraries in France—the Mazarine, the Nationale, and that of the Institute, in Paris; and those of Grenoble, Montpellier, and Troyes, in the provinces,—to the number of one hundred or more separate items. The anonymous charges brought forward in the first report of M. Boucly, on which the whole prosecution, as we have seen, was based, were, long before, proved to be so ridiculously and wantonly false, that they were, to a great extent, abandoned on the trial.

The evidence, to support the bulk of these accusations, was, simply, that the articles mentioned were at one time in the possession of the libraries; that they were so no longer; and that they had been found in the possession of M. Libri (that is to say, in the case of printed books, copies of the same edi-

tion, and of MSS., the identical articles,) all bearing either the stamp of the library, or what was alleged to be the mark of its erasure. For there, a public library impresses the title-page of its books with a small cut-metal stamp, instead of pasting in a book-plate, as among us.

So far as it went, this evidence was, to a great extent, clear and distinct; the facts were undoubtedly so. But other facts, giving a somewhat different coloring to the case, also came to light. Libri proved that he had been, for years, a sort of speculator in libraries, (there are scores of such in Europe,) being in the habit of buying a collection of books or MSS. *en bloc*—in the lump—and, after sorting out all that he wanted for himself, of sending the balance to auction:—that books, etc., bearing the stamps of public libraries, were constantly turning up in these purchases, and that his agents, his binders, restorers, etc., had always orders from him to return any such that they should find to the institutions where they belonged:—that many—in fact, nearly all—of these libraries had been in the habit of selling or exchanging their books, as occasion served; and that it was a well-known thing that large quantities of articles, notoriously taken from their shelves, were frequently sold at the sale of the effects of deceased officers of such institutions in Paris. Considering that nothing like being caught in the act had ever been charged against him, he thought the inference from these facts, that the few articles in question might well find their way into a collection of 32,000 volumes, a perfectly fair one. He also argued, that, of some of these pieces, he was perfectly able to state the origin, and to show where he got them; and he did so. Some of them, by the way, were fairly bought by him from the libraries themselves; but of many others, he could render no other account than to say, he might as well be expected to tell where he had got every pair of pantaloons during the last ten years;—that he had bought hardly one pair of pantaloons to every five hundred books; and yet, if he were charged with stealing his pantaloons, he could not prove his innocence. He thought his opponents should first prove his guilt.

But it was in regard to other volumes, mentioned in the *procès verbal*, that his defence was most successful;—volumes

which either never had existence at all, or were by no means identical with any thing found in his collection, or were never lost by the library to which they belonged. And the conduct of the three "experts," who were sworn to examine his library and make their report to the government, and who, paid by the day, had, for twenty-five months, enjoyed exclusive possession of his dwelling, his property, and his most private papers, did not by any means contradict the insinuation that they had busied themselves to manufacture evidence against him, and to introduce on his shelves articles that had no place there when he fled from France. Selected from an association which Libri had not spared, and which, in turn, had looked on him

"With as favorable eyes  
As Gabriel on the devil in Paradise,"

these three experts had not shown themselves very impartial in the affair. For example, they had covered his walls with caricatures, representing him receiving every variety of corporal punishment, and had even (inspired by the *genius loci*, most probably,) soared into the regions of poetry! e. g.

"Aspice Libri pendu,  
Quod librum n'a pas rendu.  
Si Libri librum reddidisset,  
Libri pendu non fuisset!"

One of them discovered among Libri's papers a portfolio containing the title-pages of five books, each with the stamp of the library at Troyes, and evidently waiting their turn to have the traces of their origin effaced. But lo! it came out that these very books, title-pages and all, were still on the shelves at Troyes, from which they had never budged; and that was the last we ever heard of this wonderful discovery. Now, how came this portfolio among Libri's papers, and why was there never any thing more said on the subject by the prosecution?

This was not a singular instance. Other articles, charged to have been stolen from particular libraries, were found to be still there, and to have never been lost at all. Such errors were doubtless due to the circumstance, that any stain or blur on the title-page, which would at all accommodate its circum-

ference to that of the stamp, was held to be proof positive that the stamp had been there, and that Libri had erased it. We will cite the instance of *le Recueil des histoires des Troyes par venerable homme Raoul Lefebvre (sine loco aut anno)*, a copy of which, printed by William Caxton, he had sold to the British Museum for £200, its regular price. On this simple fact, he was accused and convicted of stealing the volume he had thus sold from the library of Troyes, the principal town of the department of the Aube. Now, mark how plain a tale will put this down. The town of Troyes had undoubtedly, at one time, owned a copy of this work; but, in the first place, it was of the edition published at Paris by Philippe Le Noir; and, secondly, it had never been, and is not yet, missing from its shelves. The fact seemed to be, that the learned court, understanding no difference between Troy, the chief city of Pergamos, concerning which the book was written, and Troyes, the chief town of Champagne, from which, scarce a hundred years before Caxton printed, the kings of France drew their court buffoons, (if their honors ever should turn aside into the church of Saint Germain l'Auxerrois, or that of Saint Maurice de Seulis, they may see their tombs,) naturally thought that the *Histoire des Troyes* must have belonged to the latter place; and, as Libri sold it, *argal*, Libri stole it;—as honest Fluelen has it, there is a river in Macedon, and there is also a river in Monmouth; *quod erat demonstrandum*.

Our readers may think that there could be no greater absurdity committed in judicial proceedings than this; but we will convince them of their error. Montpellier has lost an Aldine Catullus of 1515, worth, in its modern binding, about three francs. Libri had a copy of the same edition, *in its original binding*, worth fifty or sixty. True, there was no stamp, nothing to indicate that it had come from Montpellier. True, the highly respectable firm of Payne & Foss, of London, declared that Libri had bought that same copy (easily identified by certain curious manuscript notes in it) from them for £2. 12s. 6d., in October, 1846. There was one startling feature in the matter, which, in the opinion of the officers of the law, was quite sufficient to convict him of the theft. It will be recollected that the early Aldine publications had no title-

pages, but carried their date, etc., at the conclusion. Now, on the initial fly-leaf of this volume appeared these words, written or printed, (the court could not decide which!) :

BIBLIOTHECÆ S. IO. IN CANALIBUS PLACENTIÆ ;

which even a tyro would have rendered "from the library of St. John *in Canali* (St. John Baptist), at Plaisance." There was a celebrated convent of that name, whose library, at one time very large, has long since been broken up, and of which a full account, even to its very manner of stamping its books, may be found in history, (vide Campi, *dell' Historia ecclesiastica di Piacenza*, 1651-2. Part III. p. 286.) But the court could not read it otherwise than thus :

BIBLIOTHECÆ S. IO IN CASALIBUS PLACENTIÆ ;

and, naturally enough, found it rather difficult of translation. Therefore, the only conclusion they could come to was, that Libri, to disguise his theft, had actually forged this new title-page ; and, so far as a legal decision can control common sense, we suppose we must henceforward translate it thus :

CATULLUS, TIBULLUS, PROPERTIUS, PLACENTIÆ ;

a way of reading Latin that we have not yet learned. These are but specimens of the stultifications of its own case by the prosecution ; and we sincerely cry Amen to its own remarks on the instance just cited, — *de tels faits ne se discutent pas, ils s'exposent !*

We are not here to act the part of M. Libri's advocates, through thick and thin. In the matter of the autograph letters, we certainly think, that, despite his explanations how he *might* honestly have got all that were found in his possession, and which were undoubtedly purloined from the libraries by *somebody*, and how he actually did so get some of them, there still remain some lingering clouds of suspicion over the matter, (caused, it may be, by the incessant clamors against him and the result of the trial,) that we cannot penetrate. Still, it is impossible for us to admit that there was any thing like sufficient evidence to convict him. We cannot find a man guilty upon mere suspicion. A Scottish jury would probably have found this part of the charge "not proven ;" neither entirely whitewashing the accused, nor yet

stretching the evidence to such an unwarrantable length as to pronounce him guilty. But, in regard to the printed books, candor and conscience compel us to declare, that there was no evidence that should even have left a doubt as to his innocence. It is incomprehensible to us, how any large library in France should not, without diligent weeding, find itself constantly increased by volumes coming from some public institution, and this with the purest and most honorable motives on the part of the collector.

The number of public libraries in France is exceedingly great, almost every large town having at least one, and Paris a score and more. Of these there is not a solitary instance of one that has, either in its books or MSS., the slightest pretensions to entireness. Hœnel, a German *savant*, who long ago published the result of his explorations of the French Libraries between 1821 and 1828, gives us some important facts relative to their dilapidation. We cite a few of the chief towns.

At Amiens, the whole collection was sold, at so much a pound, for 13,000 francs; and Hœnel himself had bought MSS. of the tenth century, which came into the market through this transaction. At Arras, among other losses, 200,000 francs' worth of MSS. had been sold in one lump to a bookseller, to be retailed in London. At Autun, a Virgil of the sixth, and a Horace of the seventh centuries, manuscripts of inestimable value, had disappeared, no one knew or cared how or where. At Auxerre, the bulk of the MSS. were sold, in 1825, to a bookseller. At Carpentras, there were 2,000 volumes of manuscripts in 1808; in 1826, there were but 629. The whole of the autograph collection of Peiresc (some fragments of which Libri was convicted of stealing,) belongs to this library. A certain great library in Paris has recently had bound up for itself ten folio volumes of just such fragments. How they came there, we cannot say; but, if everybody had his own, these ten volumes would soon find their way back to their old quarters in Provence. At Châlons-sur-Marne, all the vellum archives were bought by Hœnel in the mass; at Saint-Dié, the *prefet*, in 1828, sold off, in the same way, the archives of that ancient town, some of which were under the hand and

seal of King Chilperic, A. D. 663. From Lyons, the precious MSS. of the Cathedral, among which was a highly important Theodosian Code, are gone ; and so of the collection of Greek MSS. at Moulins. At Nantes, the library had been sold, pellmell, at five sous a pound. But it was at Rouen that the most stupendous ravages had taken place. Here, after the violence of the first Revolution had all past and gone, a library of 250,000 volumes had been instituted ; Hœnel found but 20,000 left. M. Theodore Licquet, the librarian of Rouen, (*Voyage pittoresque en France*, Paris, 1825,) puts, it is true, the number remaining at 26,000 ; but this correction still leaves the amazing fact, that 225,000 volumes should have disappeared from a public library in thirty years ! And there is no reason to believe that the libraries of the north and west of France are preserved with much more care than these of the south. So lately as 1845, the municipal council of La Ferté Bernard sold off, by the pound, their beautiful library, containing many precious MSS., in order to raise money to pave the streets. The library of Avranches was more fortunate ; a similar sale being arrested, at the eleventh hour, by the intervention of a well-known Parisian collector. At Bourges, a beautiful collection of sacred MSS. has been entirely destroyed by the clergy, who, with the approval of the local authorities, have thought it their duty to reclaim, in the name of the church, every volume that had once been ecclesiastical property.

In Paris, though the instances are comparatively rare of libraries selling or exchanging their books, yet, from other causes, their losses have been very great. The literary treasures of this city are not less known than the generous liberality with which they are thrown open as well to its own people as to strangers. The Bibliothèque Nationale (we may suppose it will soon resume its title of Impériale, as under Napoleon I.) besides 100,000 manuscripts, 5,000 volumes of engravings, and 1,000,000 historical autograph documents, contains over 800,000 printed volumes. And there are, at least, twenty other great libraries, the Mazarine, the Arsenal (formerly known as the Bibliothèque du Monsieur,) that of the city, &c., the contents of which, according to their foundations, are equally respectable. It will be sufficient, for our

end, to point out the condition of the first. Despite an appropriation, in 1838, by the legislature, of 1,262,000 francs, for the purpose of cataloguing and otherwise improving the usefulness of the Bibliothèque Nationale, there were, in 1847, but 250,000 of its 800,000 volumes catalogued ; and there were at least 50,000 missing from its shelves. M. Achille Jubinal, whose name must be well known to many of our readers, estimates the number at 60,000. There is one part of the Hall, called *l'Enfer*, where are kept such books as are too utterly gross to be looked at. Two thirds of its contents have been purloined. Probably, many of the books missing from the library have been borrowed and never returned ; but the larger part have undoubtedly been stolen outright. They are, in fact, to be found on almost every bookstall in Europe, generally conspicuously bound in old red morocco, with the royal arms, and the LL, displayed upon their sides. The British Museum contains any number of them, even some of the identical volumes which Libri was convicted of having stolen ; and in fact, there is scarce a public library in Paris that does not boast a few plumes borrowed from its neighbors ; nor is the British Museum, in its own turn, entirely unrepresented upon their shelves. M. Libri made a great capital, during his trial, by forwarding to the French authorities 203 volumes, bearing the stamps of their libraries, (chiefly those of Paris just now mentioned) that he had found in four shops in London, joining to each the bookseller's receipt ; and M. Paul Lacroix, (le Bibliophile Jacob) about the same time, kept on, during 101 days, buying at bookstalls in Paris and sending to the Minister of Justice a new volume every day, marked with the stamp of a public library, and adding to each volume a stinging letter on the injustice of the prosecution against Libri ; all of which, in due season, he carefully arranged and published, to the great delectation of the people of Paris. In fact, it seems clear beyond dispute, that, from the Bibliothèque Nationale to the Archives of the Institute, there is hardly a library in Paris that has not been for years plundered freely and with impunity ; though, we are glad to add, we have heard of no case there like that which occurred at Tours, in 1843, when the librarian himself was convicted of stealing by



wholesale, and selling his spoils in London. So far as we can learn, the integrity of the Parisian librarians is as distinguished as their courtesy and information.

Under these circumstances, then, we repeat, that when it was not pretended to be shown that the accused had ever been seen in any thing like the suspicious removal of a book from a public library, or had ever been charged with stealing from a private one, we cannot but think that there was no evidence to justify the conclusion of the Court. He *may* have been guilty; he certainly did not show whence he obtained every individual article he was charged with stealing; but a man in his position should not be convicted because he does not prove his innocence, before his antagonist has proved his guilt. And this is the opinion of many of the most competent judges in France, and of pretty much all out of it. An ex-Chancellor of England has given his written opinion, that Libri's is the most perfect and conclusive defence that he has ever seen in his life, and characterizes the motives as well as the conduct of the prosecution in no very flattering terms; and we might add the well-known names of Professor de Morgan, of the Secretary of the Royal Astronomical Society, and of many others of celebrity all over Europe. But we think the testimony of such men as Mr. Panizzi, the chief of the department of printed books in the British Museum, and of Mr. Holmes, the senior Assistant of the Manuscript department, will have as much weight with our readers as it had with the English public. They are gentlemen of the highest experience in the matter of books, and occupy precisely the position most likely to be affected by the perpetration of such offences as M. Libri is charged with; and, after a careful and prolonged examination of the whole case, they have cheerfully published their entire conviction of his innocence.

The principle of law which governs in England, in the matter of stolen books, differs essentially from that of France. In the latter country, it seems now settled, that a public institution may have a *reclamation* of any of its books that it finds in a stranger's hands, without compensation, and that the *onus probandi* of his not having stolen it lies with the possessor. In England, the case is otherwise. Were there no

fixed principle ruling the question, we have no doubt that, on a case where it was shown that, for years, a Library had been in the habit of selling its books, the point might possibly arise of a breach of trust of the librarian, yet even then, the inference would be, that the buyer bought the book fairly and in good faith. But the cases there, we are told, turn on the principle of *market overt*, that any chattel, bought in good faith at a regular shop for the sale of such articles, no matter whence or how it got there, is lawfully vested in the purchaser. In such of our States as do not admit the law of *market overt*, we apprehend the same rule must hold as in France, that nothing can give a title to stolen property.

There have been several instances of cases precisely analogous to that of M. Libri in every thing but their treatment, which have occurred in England during the last few years. In 1845, Mr. James Orchard Halliwell, an antiquarian of some note, sold to the British Museum a number of MSS., among which were several that, without moral doubt, had come from Trinity College, Cambridge; e. g., a MS. "*Theophilus de arte pingendi*," that had been published by Raspe, at London, in 1781, with a fac-simile, and a notice that the original was at Trinity. Mr. Halliwell, whose collection was not one tenth as large as M. Libri's, could not say positively how or where he had got it. The College instituted proceedings at law for its recovery from the Museum, but, at the eleventh hour, was wise enough to discontinue the suit, paying all the costs of both parties. They could neither prove when nor how it had left their shelves; for that Raspe had declared, in print, half a century before, that it was then there, though very reasonable ground of presumption out of court, was no legal proof of the fact. In Mr. Rodd's case, the controversy was about a record worth three or four dollars, forming one of a large number that had been publicly sold without any practical opposition of the government, and large masses of which had found their way into most of the great collections of the kingdom. The government brought a test suit for this particular article in 1844, and judgment was given in Rodd's favor. As no costs are ever given against the crown, Mr. Rodd was compelled to petition for his, and the force of

public opinion caused the authorities to grant them. A still stronger case is that of the records of the Privy Council for 1545 and 1546, which, we do not think any one knows how, came into the possession of the British Museum about 1818. About 1842, the Council discovered the fact, and made strenuous exertions to reclaim the volume, which was actually necessary to complete their archives. The effort was totally unavailing; the Museum would not give it up, and could not be made to; so there was an end of the whole matter. Now, suppose the Theocritus of Mr. Halliwell had been found, under precisely analogous circumstances, with M. Libri; what would have been said and done? or rather, what not, since we see what *has* followed on facts of much less importance?

However, our tale has already been overlong, and there remains nothing to add that can elucidate the *vexata quæstio* of the guilt or innocence of the accused. The charges against him were warmly urged, but weakly sustained; and there is no one now living who can say how much of the evidence was garbled or false, how much true. Libri

"is in his grave :

After life's fitful fever, he sleeps well."

Heart-broken by his misfortunes, he lingered on long enough to behold his fortune confiscated, his reputation blasted, and his name covered with ignominy; and to hear, in a foreign land, of the death of a mother who could not survive the disgrace of her only son. Then, in poverty and in exile, "he died, and made no sign." The secret of his history, if indeed there be any, lies buried in a felon's grave. But it is gratifying to add, that Guizot, whose opportunities of judgment were great, and whose purity and integrity in pecuniary matters are unquestionable, has never faltered in his friendship for his unhappy partisan, or in his firm assertions of his innocence.